

STILLWATER COUNTY Scenic Corridor Signage Regulation

1. PURPOSE

In order to promote the safety, convenience, and enjoyment of travel on and protection of the public investment in highways within Stillwater County and to preserve and enhance the natural scenic beauty and aesthetic features of the highways and adjacent areas, this Regulation is intended to control the location and size of off-premise signs thereby promoting and protecting the public safety and welfare by reducing roadside distractions and obstructions that may contribute to traffic accidents and driving hazards and to protect property values, create an attractive economic and business climate, enhance and protect the physical appearance of Stillwater County, curb the deterioration of the traditional natural environment, and preserve viewsheds, open space, and the scenic and natural beauty of Stillwater County. Nothing in these regulations is intended to interfere with constitutional rights related to free speech.

2. APPLICABILITY

This Regulation shall apply to an area extending three hundred (300) feet from and parallel to all public road right-of-ways within Stillwater County. Where the roadway is an easement, the 300 feet shall extend from the edge of the easement. Where the roadway is interstate highway, the distance shall be six hundred and sixty (660) feet from the interstate right-of-way. Nothing contained herein shall prohibit more restrictive covenants, easements, agreements, or zoning for any particular area. Where State or Federal regulations impose stricter standards, such stricter standards shall apply.

3. DEFINITION

An off-premise sign is any sign structure advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

4. STANDARDS

A. The maximum total height of an off-premise sign shall not exceed ten (10) feet above the mean centerline elevation of the roadway adjacent to the sign. Where overpasses or topography raise the elevation of the adjacent roadway centerline in excess of ten (10) feet from the standard roadway elevation, the maximum allowable height shall not exceed twenty (20) feet.

B. Size: No off-premise sign shall exceed the maximum of eighty (80) square feet in area. The sign shall be determined by the smallest rectangle that can encompass the lettering or sign face. The sign may be two-faced with 80 square feet per side.

C. Lighting: Lighting shall only be allowed so as to illuminate the message on the face of the sign. No lighting will face upwards nor be reflected onto the adjacent roadway or adjoining properties. No off-premise sign shall have flashing or blinking lights, moving parts, or

simulate motion with reflective parts. The maximum allowable reflected light shall be one (1) footcandle or ten (10) lumens per sign face.

D. No off-premise sign shall contain flashing or colored lights or electronically-changeable facing on the sign.

E. No off-premise sign shall be located within five-hundred (500) feet of an existing dwelling—with the exception of real estate sale signs, unless the dwelling is owned by the property owner where the sign is located.

5. EXCLUSIONS

A. Any sign advertising a business and located on the site at which the business is conducted.

B. Signs conforming to this Regulation.

C. Temporary directional signs (less than two weeks duration).

D. Government and local community signs.

E. Signs on existing buildings except no flashing lights are allowed.

F. Signs located outside the district covered by this Regulation.

6. NON-CONFORMING SIGNS AND AMORTIZATION

Off-premise signs not conforming to and which are not exempt from this Regulation and which were legally erected prior to the adoption of this Regulation are permissible non-conforming signs. Such non-conforming signs shall be brought into compliance as follows:

A. at the time the sign (not the face) is changed;

B. at such time when the sign suffers damage greater than fifty (50) percent of its appraised value; or

C. within seven (7) years from the effective date of this Regulation.

7. VARIANCES

Any variance from the standard described herein must be justified and requested in the County Application Form.

8. APPLICATION

See Attachment A to this Regulation.

9. PENALTIES

A violation of this part or any resolution adopted pursuant hereto is a misdemeanor and is punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment in the County jail not exceeding six (6) months or both (MCA 76-2-211). Each day the violation continues constitutes a separate offense. Criminal responsibilities of firms or corporations shall be governed by relevant provisions of MCA 45-2-311 and 45-2-312.

10. SEVERABILITY

If any part or portions of this Regulation shall be declared invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder shall nonetheless continue in effect.

ATTACHMENT "A"

**STILLWATER COUNTY
APPLICATION FOR OFF-PREMISE SIGNAGE
VARIANCE**

I. In accordance with Stillwater County Resolution No._____ and as provided for in MCA 76-2-201, parties wishing to construct an off-premise sign must comply with said County Resolution No._____.

II. The following information must be submitted to the County Planning Office prior to any construction of any signage not in compliance with this Regulation. This Application must be received thirty (30) prior to the regular monthly Planning Board meeting at which it will be considered.

A. State of Montana Department of Transportation Outdoor Advertising Permit Application, if applicable.

B. State of Montana Department of Transportation, Outdoor Advertising Control, Local Zoning Certificate for Outdoor Advertising.

C. Scaled drawing of proposed sign on 8.5x11-inch paper with dimensions.

D. 8.5x11-inch, colored, aerial photograph showing location of sign in relation to adjacent road.

E. Justification for any variances requested from the terms of the Resolution as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Resolution will result in unnecessary hardship and so that the spirit of the Resolution shall be observed and substantial justice done (MCA 76-2-223(c).

F. Review Fee.

I have read and understand County Resolution No._____ and certify that the information submitted herewith is true and accurate.

Signature of Applicant

Date of Application